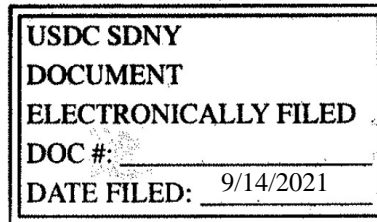


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
SHELTON BEAMAN,

Plaintiff,

-against-

MICHAEL FRANKLIN, *et al.*,

Defendants.
-----X

21-CV-1750 (VSB)

ORDER OF DISMISSAL

VERNON S. BRODERICK, United States District Judge:

On April 15, 2021, I directed Plaintiff to serve Defendants Michael Franklin (“Franklin”), Director of the United States Department of Veterans Affairs’s (“VA”) Police Service, VA Police Sergeant or Police Officer Bryan (“Bryan”), and VA Police Officer Young (“Young”) by on or before 90 days after the date that summonses were issued for those Defendants. (Doc. 5.) A summons was issued on April 16, 2021. (Doc. 6.) To date, however, Plaintiff has not filed an affidavit of service or taken any other action to prosecute this case. Furthermore, all of the Court’s attempts to serve Plaintiff at the address he provided have been unsuccessful.

On August 19, 2021, I ordered Plaintiff to submit a letter demonstrating good cause as to why this case should not be dismissed pursuant to Federal Rule of Civil Procedure 4(m) and to provide the Court with a current address by September 10, 2021. I warned Plaintiff that failure to submit a letter and to demonstrate good cause for failure to timely serve Defendants would result in dismissal of this action. Defendants filed proof of service by email of the Order to Show Cause on Plaintiff on August 23, 2021. (Doc. 17.) Moreover, the Clerk of Court mailed a copy of the Order to Show Cause to the mailing address Plaintiff provided to the Court, but the mail was returned to the Court as undeliverable. To date, Plaintiff has not responded to my

Order to Show Cause, sought an extension of time to respond, or taken any other action demonstrating an intent to further prosecute this action.

Accordingly, this action is dismissed without prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b).

The Clerk of Court is respectfully directed to close this case and mail a copy of this Order to the pro se Plaintiff.

SO ORDERED.

Dated: September 14, 2021
New York, New York



VERNON S. BRODERICK
United States District Judge